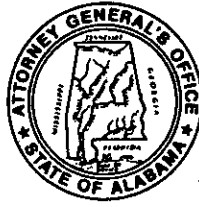


# OFFICE OF THE ATTORNEY GENERAL



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80-00328

CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

APR 8 1980

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Honorable Neil Lauder  
Chairman  
Baldwin County Commission  
P. O. Box 148  
Bay Minette, Alabama 36507

Counties - Sheriffs -  
Compensation

There is no requirement  
under Acts 79-724 and  
73-1268 that the Baldwin  
County Treasurer certify  
funds are available to  
meet pay raises tied to  
state pay raises.

Dear Mr. Lauder:

Thank you for your letter of January 17, 1980 in which you asked the question as to whether, in regards to Acts 79-724 and 73-1268, the County Treasurer of Baldwin County should certify to the County Commission that funds are available to give the cost of living raise allowed to state employees to County Sheriff employees.

Act 1268, Regular Session of the Legislature 1973, authorized the employment of certain listed employees in the sheriff's office in Baldwin County and also specified that each class of employee was to receive compensation from the county treasury in amounts equal to the compensation of various listed classifications of state troopers

Hon. Neil Lauder  
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in the Alabama State Highway Patrol. Section 5 of Act 1268 states that the number of employees and their compensation set out in said act was to be considered as a minimum and the Baldwin County Commission has the discretion to increase both the compensation and number of employees in the sheriff's office.

Act 79-724 provided a conditional cost-of-living increase in an amount up to 7% for state employees. The raise was conditioned on the condition of the State Treasury and approval of the Governor. Governor James has approved and eligible state employees have received a 7% cost-of-living increase for the first quarter of the current fiscal year. This cost-of-living increase is considered a portion of the compensation of those state employees who received the raise.

Since the minimum compensation of employees in the Baldwin County Sheriff's Department is tied to or equal to the compensation of state troopers, they are entitled to the same compensation, including the cost-of-living increase, as state troopers. There is no discretion vested in the county as to the minimum compensation to which the employees of the sheriff's office is entitled to receive. There is no requirement that the County Treasurer certify that funds are available to pay the raise. The raise is automatic when state troopers receive a raise.

Therefore, your question is answered in the negative. There is no requirement for the County Treasurer to certify that funds are available to pay the cost-of-living raise. Until Act 1268 is modified or repealed, it is incumbent on the County Commission to provide funds to pay the compensation mandated by such act.

If we can be of further assistance please call on us.

Sincerely yours,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



JAMES R. SOLOMON, JR.  
ASSISTANT ATTORNEY GENERAL

JRSjr:ln